

EXHIBIT 5

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GOOGLE LLC,

Plaintiff,

v.

SONOS, INC.,

Defendant.

CASE NO. 3:20-cv-06754-WHA

Related to CASE NO. 3:21-cv-07559-WHA

**OPENING EXPERT REPORT OF SAMRAT BHATTACHARJEE REGARDING
INVALIDITY OF U.S. PATENT NOS. 10,779,033 AND 9,967,615 AND OTHER ISSUES**

HIGHLY CONFIDENTIAL AEO AND SOURCE CODE MATERIALS

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[https://web.archive.org/web/20120815211100/http://www.appbrain.com/app/youtube-](https://web.archive.org/web/20120815211100/http://www.appbrain.com/app/youtube-remote/com.google.android.ytremote)

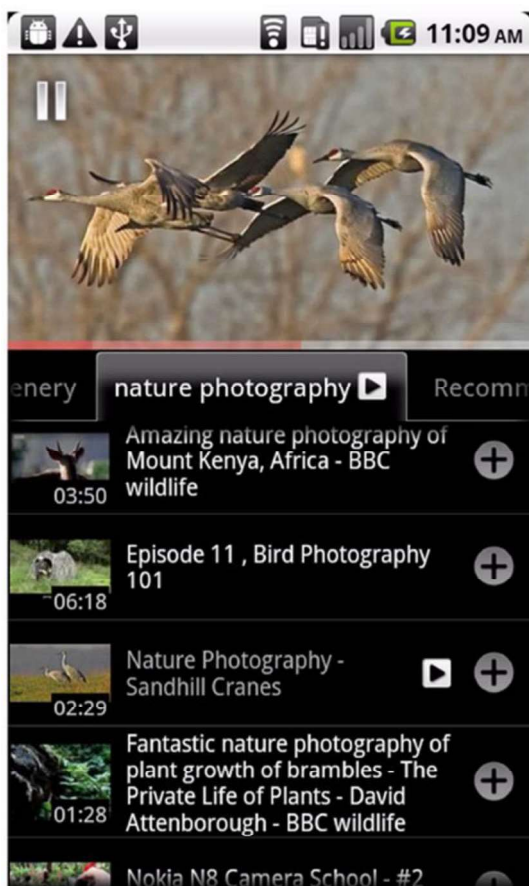
[remote/com.google.android.ytremote](https://web.archive.org/web/20120815211100/http://www.appbrain.com/app/youtube-remote/com.google.android.ytremote) (GOOG-SONOS-NDCA-00108095 at 117-8); *see also*

GOOG-SONOSNDCA-00075598 ("Version 3 of the YouTube Remote app was launched Jan 13,

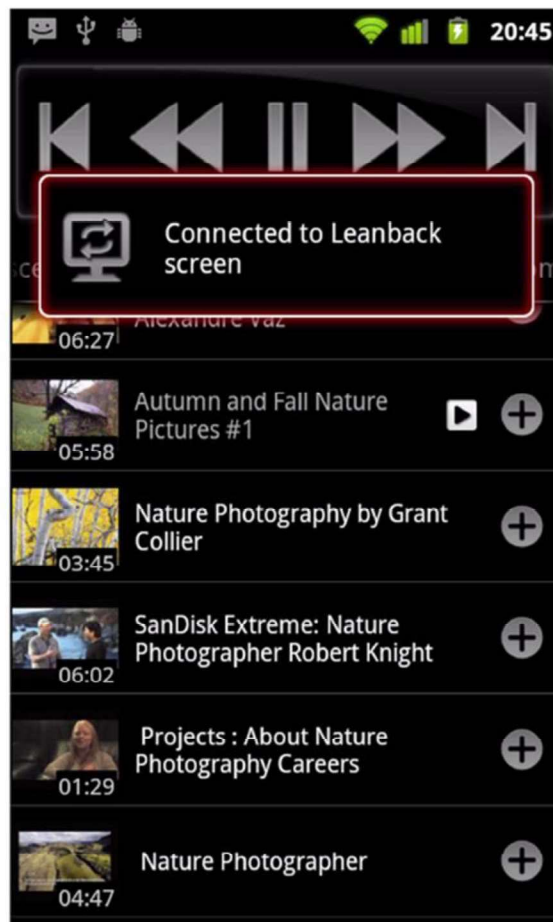
2012"). These versions of the YouTube Remote were available for download on the Android Market and the AppBrain market no later than the dates identified in the image above. *Id.*; *see also* Bobohalma Decl., 3.

271. For example, the images below are from a document whose filename is **"YouTube Lounge 1.4 Market Listing."** I understand that the metadata for this document states it was last modified on January 12, 2011. This is the same release date identified for Version 1.4 in the screenshot above of the Android marketplace. The image on the left from this document shows a screenshot of the YTR application playing a video on the YTR application in standalone mode, while the image on the right shows the YTR application detecting an indication that the YTR application is connected to a leanback screen for playback:

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• /home/danielcanciu/www/ytremote/screenshots/remote1.png



GOOG-SONOSNDCA-00075606 ("YouTube Lounge V1.4 Market Listing," dated 1/12/2011).

272. I understand that in April of 2011, YouTube performed "usability testing" for the YTR application. The screenshots below are from a file named "YouTube Remote app usability testing." I understand the metadata for the document shows a last modified date of 4/21/2011.

The aim of the study and its participants are described in the document as follows:

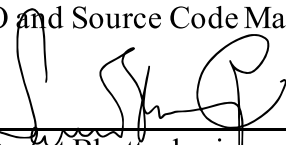
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which case the YTR application would play the video in full screen view. *See* **Video #1** at 0:25-0:40. The user could also play, pause, fast forward or rewind the video using the graphical interface on the YTR application. *Id.* at 1:33-2:00.

298. When operating in standalone mode, the YouTube Remote application was also configured to be able to play back (i) a list of recommended videos that are received from a YouTube server in the cloud, and (ii) a cloud hosted "party queue." Under Sonos's interpretation, a YTR application is configured for "playback of a remote playback queue provided by a cloud-based computing system associated with a cloud-based media service" where it plays back a list of recommended videos provided by a cloud server or a cloud hosted party queue. *See* Section VI (Claim Construction), Section IX.A (YouTube Remote System). The prior art YTR application discloses this limitation under Sonos's interpretation.

299. First, the prior art YTR application satisfies this limitation when playing the list of recommended videos in standalone mode. The images below show examples of a user playing back a list of recommended videos using the YTR application on the mobile phone. The list of recommended videos are provided by a YT cloud server to the mobile device, as confirmed above in my analysis of the July 12, 2011 source code capture of the YTR application. *See* Section IX.A (YouTube Remote System).

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Samrat Bhattacharjee